

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PHILIP P. CAPONE, II,

Petitioner,

v.

CHIP MEISNER, SAUK COUNTY
SHERIFF and STATE OF WISCONSIN,

Respondents.

ORDER

Case No. 17-cv-781-jdp

Petitioner Philip P. Capone, II seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has neither paid the \$5 filing fee nor requested leave to proceed without prepayment of the filing fee. For this case to move forward, petitioner must pay the \$5 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee no later than November 7, 2017. Any motion for leave to proceed without prepayment of the filing fee must include a certified copy of an inmate trust fund account statement (or institutional equivalent) for the six-month period beginning approximately April 3, 2017 through the date of the petition, October 3, 2017.

ORDER

IT IS ORDERED that:

1. Petitioner Philip P. Capone, II may have until November 7, 2017, to pay the \$5 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee.

2. If petitioner does not submit either the \$5 payment or a motion for leave to proceed without prepayment before November 7, 2017, I will assume that petitioner wishes to withdraw this petition.

Entered this 16th day of October, 2017.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge